

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JUSTIN WADE WILLIAMS,)
v.)
Plaintiff,)
)
SHANNON SMITH and)
KAREN HEWES,)
)
Defendants.)

No. CIV 16-467-RAW-SPS

OPINION AND ORDER

Plaintiff, a pro se prisoner in the custody of the Oklahoma Department of Corrections, filed this civil rights complaint pursuant to 28 U.S.C. § 1983, alleging his constitutional rights were violated when he was incarcerated in the Seminole County Jail (Dkt.1). He alleged he was denied access to a law library and to Native American religious material, and he was not allowed time in the exercise yard. *Id.* at 4.¹

The remaining defendants are Seminole County Sheriff Shannon Smith and Seminole County Jail Administrator Karen Hewes. While both remaining defendants were served by the United States Marshals Service (Dkts. 16, 17), neither has filed an answer to the complaint. Therefore, Plaintiff was directed to show cause why this action should not be dismissed for his failure to prosecute (Dkt. 18).

Plaintiff responded to the show-cause order with a motion for extension of time and a request for the Court to provide him advice on how to prosecute the case, because he lacked access to a knowledgeable prison law clerk at his DOC facility (Dkt. 19). In response, the Court granted an extension of time to respond to the show-cause order and informed Plaintiff

¹ Defendant Judge George Butner previously was dismissed from this action based on absolute judicial immunity and lack of personal participation (Dkt. 6).

that the Court cannot give legal advise to a litigant, except to advise him to follow the Federal Rules of Civil Procedure and the Court's Local Rules (Dkt. 20). Plaintiff's response to the show-cause order merely reiterated the claims in the complaint (Dkt. 21). The Court finds he has failed to demonstrate any actions he has taken to prosecute the case.

ACCORDINGLY, this action is, in all respects, DISMISSED WITHOUT PREJUDICE for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED this 7th day of June 2018.


Ronald A. White
United States District Judge
Eastern District of Oklahoma